

**MINUTES OF THE COURT OF APPEAL
SECOND APPELLATE DISTRICT
STATE OF CALIFORNIA**

December 27, 1999

DIVISION TWO

B127920 People (Not for Publication)
v.
Bloodworth & Wills

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Cooper, J.

B123819 People (Not for Publication)
v.
Webb

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

B119224 Abnoosi (Not for Publication)
v.
Hart & Associates, Inc., et al.

The judgment is reversed, and the matter is remanded for the issuance of a statement of decision by the trial judge. (Cf. *Miramar Hotel Corp. v. Frank B. Hall & Co.*, *supra*, 163 Cal.App.3d at p. 1130.) The parties shall bear their own costs on appeal.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

B128691 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Gina F.

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

B121129 Hondo Company et al. (Not for Publication)
 v.
 Superior Court, L.A. County
 Estate of Bobbie Jean King

The writ is denied. Petitioners to bear the costs of this petition.

Nott, J.

I concur: Boren, P.J.

B124059 People (Not for Publication)
 v.
 Hearn et al.

Appellants' Convictions of forcible rape while acting in concert (counts 4,
11 and 13) and attempted forcible rape while acting in concert (counts 6
and 8) are reversed. In all other respects, their judgments are affirmed.
The cause is remanded so that the sentences imposed and stayed
on counts 5, 7, 9, 12 and 14 may be ordered into full force and
effect, in a matter consistent with the views expressed in this opinion.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B126315 People (Not for Publication)
v.
Fomby

The judgment is modified to award Fomby 132 days of presentence conduct credits; as modified, the judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment and to forward a certified copy of it to the Department of Corrections.

Klein, P.J.

We concur: Croskey, J.
Schneider, J. (Assigned)

DIVISION FOUR

B125742 Paige (Not for Publication)
v.
Cedars-Sinai Medical Center

The judgment is reversed. Appellant shall recover her costs.

Dau, J. (Assigned)

We concur: Hastings, Acting P.J.
Curry, J.

B129986 People (Not for Publication)
v.
Rivas

For the foregoing reasons, the judgment is modified to impose and suspend a fine in the sum of \$500 pursuant to Penal Code section 1202.45. As modified the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment in accordance with this modification.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

[illegible]

For the foregoing reasons, the judgment is modified to vacate the order of restitution to 20th Century Insurance Company and to grant appellant 12 additional days of presentence custody credit. The matter is remanded for determination of the amount of restitution to be awarded to Ms. Abrishame under the holding of *People v. Birkett*, supra, 21 Cal.4th 226. In all other respects the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

DIVISION FIVE

B133095 Leon Jenkins et al. (Not for Publication)
v.
John Niemier et al.

The judgment is reversed. Each party to bear their own costs.

Turner, P.J.

We concur: Grignon, J.
O'Neill, J. (Assigned)

B119716 Brenda Figueroa et al. (Not for Publication)
v.
Guess?, Inc., et al.
Della Bahan

The judgment is reversed. Each party to bear their own costs.

Turner, P.J.

We concur: Grignon, J.
O'Neill, J. (Assigned)

DIVISION FIVE (Continued)

B122810 Honorine Flanagan (Certified for Publication)
 v.
 Michael Flanagan

The judgment is increased to \$10,000. As modified, the judgment is affirmed. Costs on appeal are awarded to Michael Flanagan.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B126157 People (Not for Publication)
 v.
 Samuel Dominici

The abstract of judgment is modified to reflect that the sentences imposed as to counts three and four were stayed pursuant to Penal Code section 654. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B130800 Donnie Wesley (Not for Publication)
 v.
 Instrumentarium Imaging, Inc., et al.

The judgment is affirmed. Each party to bear their own costs.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B126685 China Export Bases (Not for Publication)
 Development Corporation
 v.
 First Central Bank

The judgment is affirmed. First Central shall recover its costs on appeal.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

B127196 People (Not for Publication)
 v.
 Donald Jones

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B131602 Jung Kil Kim (Not for Publication)
 v.
 Young Jin Kim

Items one through five of the preliminary injunction are hereby reversed.
Item six of the preliminary injunction is affirmed. Each party is to bear
their own costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

December 27, 1999-Continued

DIVISION FIVE (Continued)

B128213 People (Not for Publication)
v.
Jesus Perez

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B132533 People (Not for Publication)
v.
Van Brimmer

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

December 27, 1999-Continued

DIVISION SIX (Continued)

B133170 People v. McGirt (Not for Publication)

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B129085 People (Not for Publication)
v.
Wallravin

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B133932 People (Not for Publication)
v.
Gutierrez

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SIX (Continued)

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The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B115128 People (Not for Publication)
v.
Saab

The portion of the restitution order directing payment to the insurance companies, except as to Truck Insurance Exchange for Big City Bagels, is vacated and the cause is remanded to the trial court with directions to enter a new restitution order consistent with the views expressed in *People v. Birkett* (199) 21 Cal.4th 226 and this opinion. In all other respects, the judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

B129372 People (Not for Publication)
v.
Quinones

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

December 27, 1999-Continued

DIVISION SEVEN (Continued)

B133191 People (Not for Publication)
v.
Gomez

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B128407 The Air Group, Inc. (Not for Publication)
v.
Gipson, Hoffman & Pancione

Appellant's request for judicial notice is denied. The trial court's permitting the filing of the complaint alleging conspiracy to defraud is reversed, and the cause remanded for further proceedings consistent with this opinion. Appellant shall recover its costs on appeal.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B125896 Saelzler (Not for Publication)
v.
Advanced Group 400 et al.

The judgment is reversed and the cause remanded for further proceedings consistent with this opinion. Appellant to receive her costs on appeal.

Johnson, J.

I concur: Lillie, P.J.
I dissent: Neal, J.

December 27, 1999-Continued

DIVISION SEVEN (Continued)

B128109 Baker (Not for Publication)
v.
Cedars-Sinai Medical Center

The judgment is reversed. Appellant(s) to recover costs.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B119385 Arcaro (Certified for Publication)
v.
Silva & Silva Enterprises Corporation

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.